

Court of Appeals, State of Michigan

ORDER

People of MI v Anthony Edward Ciavone

Docket No. 256187

LC No. 03-014160-01

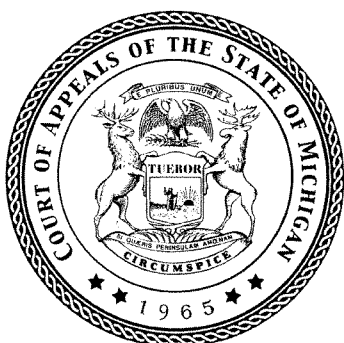
Brian K. Zahra
Presiding Judge

Helene N. White

Peter D. O'Connell
Judges

The Court orders that the motion for reimbursement of fees is DENIED. The Court's records for this appeal reflect that defendant-appellant was not charged two fees for a single motion as alleged and the Clerk properly accepted the proffered motion fees. After defendant-appellant discharged his appointed counsel and retained counsel to prosecute the appeal, the fees were required under MCR 7.211(A)(2) and MCR 7.202(3) and it was reasonable to presume that defendant-appellant had the ability to pay the proffered fees. After he retained counsel, the burden was properly on defendant-appellant to demonstrate his inability to pay the fees by filing a motion to waive the fees. See MCR 7.219(G). The \$375 proffered for the filing fee for the civil action, *Anthony Edward Ciavone v Wayne Circuit Judge*, docket no. 281170, was required under MCL 600.2963 and the Court's December 10, 2007, order denying the waiver of fees.

White, J. would direct that the \$100 fee paid for the motion for reconsideration filed on January 2, 2008, be reimbursed to defendant-appellant's parents.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 1 2008

Date

Sandra Schultz Mengel
Chief Clerk